



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

Policy Index – 835
Transmittal Sheet

Body-Worn Cameras (Interim)

1. **Reason for Issue:** We are issuing this policy to conform with Executive Order 14074, *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*, dated May 25, 2022.
2. **Responsible Office/Division/Unit:** Office of Investigations
3. **References:**
 - Executive Order 14074, *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*, dated May 25, 2022
 - Deputy Attorney General Memorandum, *Body-Worn Camera Policy*, dated June 7, 2021
 - The Privacy Act of 1974
 - The Freedom of Information Act
 - *Inspector General Manual (IGM)* – Chapter 811, “Search and Seizure”
 - *IGM* – Chapter 812, “Evidence and Property”
4. **Supersedes:** None

Approved by:

Mark Lee Greenblatt
Inspector General

AUG 22 2022

Date

1. Purpose

This policy establishes interim guidance and governance of the U.S. Department of the Interior (DOI), Office of Inspector General (OIG), Office of Investigations (OI) body-worn camera (BWC) program. This policy does not govern the use of surreptitious recording devices in undercover operations.

2. Policy

BWCs provide an additional layer of safety for Special Agents and improve public trust, transparency, and accountability. BWCs allow for accurate and reliable documentation of contacts between Special Agents and the public. OIG Special Agents do not engage in traditional policing or public patrol and do not routinely engage with the public in response to emergency calls. Therefore, this policy focuses on the deployment of BWCs in planned law enforcement operations where the use of force may be reasonably anticipated, such as the planned execution of a search or arrest warrant.

BWC recordings can also be used as evidence for investigative and prosecutorial purposes. BWC recordings identified as evidence in OIG investigations will be handled in accordance with *IGM Policy 812, "Evidence and Property."*

3. Applicability

This policy applies to all Special Agents assigned to the DOI OIG.

4. Definitions

None.

5. Responsibilities and Expectations

Body-Worn Camera Program Manager

The BWC Program Manager is responsible for the overall management of the program.

Special Agents in Charge/Directors

Special Agents in Charge (SACs) and Directors shall ensure that all Special Agents receive required BWC training and that Special Agents carry, operate, and maintain BWCs in accordance with this policy.

Special Agents

Special Agents will complete required training and carry, operate, and maintain BWCs in accordance with this policy.

6. Procedures

Use of Body Worn Cameras

Special Agents shall activate BWCs when such use is appropriate for the proper performance of their official duties and where recording is consistent with OI policy and the law.

BWCs shall be deployed for DOI OIG enforcement operations. All Special Agents participating in the enforcement operation shall be equipped with BWCs.

For the purposes of this section, enforcement operations include, at a minimum, arrests, search warrants, and armed escorts.

Pre-Operation Planning and Briefing

Prior to conducting an enforcement operation, the Assistant Special Agent in Charge (ASAC), Senior Special Agent, or other designee (herein referred to collectively as the “On Scene Supervisor”) shall conduct a briefing regarding the planned use of BWCs. The briefing shall include a discussion of any steps that can be taken to avoid recording undercover personnel or confidential informants or sources. All Special Agents who are issued BWCs and who are expected to activate them during an operation must receive the pre-operation briefing.

Prior to the execution of a search or arrest warrant, the On Scene Supervisor shall also brief all DOI OIG members of the search and/or arrest team as required by the Arrest Procedure Checklist and/or the Search Warrant Procedure Checklist.

Deployment of BWCs for Enforcement Operations

Special Agents shall wear and activate OIG-issued BWCs for the purpose of recording the tactical portion of enforcement operations when the use of force may reasonably be anticipated, such as the planned execution of a search or arrest warrant.

BWC Activation

Upon direction of the On Scene Supervisor, all participating Special Agents shall activate their BWCs.

If, while wearing a BWC pursuant to this policy but not actively engaged in an enforcement operation, a Special Agent encounters a situation that in the Special Agent’s judgment, consistent with his or her training and experience, could lead to the use of physical or deadly force or be relevant to an investigation, the Special Agent should activate and record with his or her BWC as soon as it is safe and practical to do so.

BWC Deactivation

BWCs shall be deactivated by Special Agents only upon the direction of the On Scene Supervisor when the On Scene Supervisor determines, at his or her discretion, the scene is secured (safe and under law enforcement control).

A. Search Warrants

When executing a search warrant, the On Scene Supervisor may authorize Special Agents to deactivate their BWCs once the location to be searched has been secured and all subjects have been searched. The On Scene Supervisor will use his or her discretion to determine when team members conducting perimeter security during the execution of the warrant may stop recording.

B. Arrest Warrants

When executing an arrest warrant, the On Scene Supervisor may authorize the deactivation of BWCs once he or she has determined the scene is secure and any arrestees are handcuffed and placed in the transport vehicle(s).

During prisoner transports from the scene of an arrest, Special Agents must continue to wear their BWCs and leave them in the Ready (Buffering) or equivalent mode. While in this mode, the BWC will not record permanent video. Rather, the camera records video in a continuous 30-second overwrite loop called buffered video unless and until the Special Agent activates the camera.

C. Interviews

During the above enforcement operations, a BWC may be used to record an interview with an arrestee or detainee.

D. Exceptions

The On Scene Supervisor may authorize Special Agents to deactivate their BWCs if the enforcement operation is of such a duration that BWCs need to be deactivated to conserve power and/or digital storage.

A Special Agent may deactivate his or her BWC at any time the Special Agent needs to obtain emergency medical attention or needs to attend to a personal matter that takes him or her away from a planned operation, such as using the restroom. The Special Agent is expected to immediately reactivate the BWC once they are ready to rejoin the operation.

Placement of BWC

If the Special Agent is wearing a tactical ballistic vest, the BWC will be worn on the outside/front of the tactical ballistic vest. The tactical ballistic vest will be worn over the Special Agent's clothing.

In the event a BWC is deployed when a tactical ballistic vest is not worn, the BWC will be secured to the Special Agent's outer clothing, lanyard, or belt.

Special Agents should ensure the BWC is not obstructed by clothing or other objects on the Special Agent's person. Special Agents should not alter tactically sound principles to accommodate the BWC's visual recording. Special Agents should remember to seek cover and concealment and use proper tactics to ensure their safety while wearing the BWC even if doing so obstructs the BWC's coverage.

Joint Operations

When conducting enforcement operations with another law enforcement agency, Special Agents will comply with OI's BWC policy.

The DOI OIG team leader for the enforcement operation shall discuss the use of BWCs with the other agency's team leader prior to the enforcement operation and will document these discussions in an Investigative Activity Report (IAR).

The SAC of the operation shall notify the Assistant Inspector General for Investigations (AIGI) or the Deputy Assistant Inspector General for Investigations (DAIGI) if there is an unresolved conflict with the other law enforcement agency regarding DOI OIG's intent to deploy BWCs during an enforcement operation.

Deviation from BWC Policy

Any planned deviation from this policy must be approved, in advance and in writing, by the AIGI or his or her designee.

Any unplanned deviation from this policy related to BWC activation or deactivation due to device malfunction, operator error, or other circumstances shall be documented by the Special Agent assigned the BWC in a memorandum to the SAC overseeing the operation through the On Scene Supervisor.

Storage of BWC Recordings

BWC recordings will be uploaded as soon as possible, usually within 24 hours, and stored in OIG-controlled digital storage. Access to the recordings will be controlled by the BWC Program Manager. Each file will contain all relevant metadata, such as the date and time of the recording, the name of the Special Agent who recorded it, and whenever possible the case name and number. An audit log will be created and maintained that sets forth the date and time each

recording is reviewed, and the name of each reviewer.

Records Retention

BWC recordings are considered investigative records and shall be securely stored and maintained in accordance with applicable OIG records retention schedules.

BWC Equipment

Special Agents shall use only those BWCs issued by the OIG. Special Agents should exercise reasonable care when using BWCs to ensure their proper functioning. Special Agents shall ensure that the BWC is fully charged before deployment.

Special Agents will notify the BWC Program Manager of any equipment malfunctions as soon as possible.

Loss or Theft of Equipment

Special Agents will report the loss or theft of a BWC to their immediate supervisor as soon as possible, but no later than 24 hours after the discovery of the loss or theft. The immediate supervisor shall notify the BWC Program Manager and the SAC.

BWC Recordings

The BWC equipment and all data, images, video, audio, and metadata captured, recorded, or otherwise produced by the equipment is the sole property of the OIG. Other than the BWC Program Manager or the BWC Program Manager's supervisor, no OIG personnel shall edit, alter, erase, duplicate, copy, share, or otherwise release, disclose, or distribute in any manner, any BWC recordings, without prior written authorization from the AIGI or his or her designee in consultation with the DOI OIG General Counsel or his or her designee. Special Agents may review their own BWC recordings, subject to the restrictions below.

A. Requests for Disclosure of BWC Recordings

All requests for disclosure of BWC information shall be processed by the BWC Program Manager, in consultation with the DOI OIG Office of General Counsel (OGC).

Recordings from BWCs may be subject to release pursuant to the Freedom of Information Act (FOIA). Any FOIA request for records received by a DOI OIG employee must be forwarded to the OIG's FOIA Officer, who is responsible for processing and responding to these requests.

All requests and final decisions will be maintained by the BWC Program Manager.

B. Access and Review of BWC Recordings

Access to stored BWC recordings will be password protected, recorded, and audited periodically by the BWC Program Manager to ensure that only authorized users access the recordings and associated data for legitimate and authorized purposes. This information may be discoverable and could be requested by the prosecution or the defense during court proceedings.

C. Permitted Reviews of BWC Recordings

Special Agents may review their own BWC recordings. A Special Agent may also, when necessary to perform the essential functions of his or her job, access other Special Agents' BWC recordings pursuant to the above section titled "Access and Review of BWC Recordings."

All OIG agent-involved shootings (AIS) or other uses of force involving serious bodily injury or death should be treated as being under criminal investigation unless and until the applicable Federal, state, or local prosecution office(s) has declined prosecution. The involved Special Agent(s) and any other Special Agent(s) who witnessed the AIS or use of force shall provide their BWCs to the On Scene Supervisor. If the On Scene Supervisor is involved or witnessed the AIS or use of force, the BWCs shall be provided to the next senior Special Agent on scene. The On Scene Supervisor or other senior Special Agent shall upload the videos from all of the BWCs collected. BWC recordings involving use of force incidents that result in serious bodily injury or death will be reviewed by the AIGI within 24 hours of being uploaded. After reviewing all available recordings and in consultation with OGC, the AIGI will recommend to the Inspector General whether to consider proactively releasing to the public all or some of the recordings.

Restrictions on Use

Special Agents equipped with BWCs should be mindful of locations where recordings may be considered insensitive, inappropriate, or prohibited by applicable law. BWCs shall be used only in conjunction with official law enforcement duties and not personal activities.

Prohibited Use of BWCs

The AIGI, in consultation with any assigned prosecutor or the OGC, must approve the use of BWCs to record:

- In a detention facility, if the law enforcement operation is not taking place in the facility; or
- Personnel conducting activities involving classified information.

The BWC Program Manager, in consultation with the General Counsel, or his or her designee,

may use redaction software to blur images or portions of images, or minimize audio content, when making copies of BWC recordings for disclosure and encounter a situation where BWCs record content that otherwise should not be shared because of the above restrictions or any other law enforcement sensitivities or privacy concerns. These situations could include recordings of undercover personnel, confidential sources, sensitive investigative techniques or equipment, minors, injured or incapacitated individuals, or sensitive locations such as restrooms, locker rooms, or medical facilities.

Supervisors may view BWC recordings to conduct after action debriefs and for training purposes, as described above. Requests to review a Special Agent's BWC recordings for the purpose of this subsection shall be made in a memorandum to the AIGI. The memorandum shall state the reason(s) for the request.

Treatment of BWC Recordings and Requests for Release

In all circumstances, BWC recordings shall be treated as law enforcement sensitive information, the premature disclosure of which could reasonably be expected to interfere with investigative and enforcement proceedings. BWC recordings may also be treated as potential evidence in a Federal investigation subject to applicable Federal laws, rules, and policies concerning any such disclosure. All requests for BWC recordings unrelated to a pending OIG criminal investigation or case will be forwarded to the OIG FOIA Officer, which is responsible for processing and responding to such requests. Nothing in this policy shall be deemed to provide a right of public access to BWC recordings. BWC recordings are the property of the OIG and will be controlled, retained, and managed by the OIG.

Training

To ensure the proper use and operation of BWCs, as well as maintain compliance with privacy and civil liberties laws, Special Agents must establish and maintain proficiency and knowledge related to BWC deployment.

- Each Special Agent must complete OIG-approved initial training on the proper use and operation of BWCs, as well as relevant privacy and civil liberties laws.
- Special Agents must also complete annual BWC refresher training in conjunction with control tactics training or firearms training.

7. Authority or References

- Executive Order 14074, *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*, dated May 25, 2022
- Deputy Attorney General Memorandum, *Body-Worn Camera Policy*, dated June 7, 2021
- The Privacy Act of 1974

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- The Freedom of Information Act
- *Inspector General Manual (IGM)* – Chapter 811, “Search and Seizure”
- *IGM* – Chapter 812, “Evidence and Property”

8. Effective Date

August 22, 2022.

9. Appendixes

None.